

12/4



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,618	09/04/2001	William H Bruan	1139 P 080	1910

7590 12/06/2004  
James P Muraff  
Wallenstein & Wagner  
311 South Wacker Drive, 53rd Floor  
Chicago, IL 60606-6622

EXAMINER

BASOM, BLAINE T

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/744,618	<b>Applicant(s)</b> BRUAN ET AL.	
	<b>Examiner</b> Blaine Basom	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
- 4a) Of the above claim(s) 1-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-97 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

With respect to the restriction requirement imposed upon the present application, the Applicants argue that the two claim groupings, submitted as expressing distinct inventions, would require the same search, and that therefore, the restriction requirement should be withdrawn. The Examiner respectfully disagrees with this argument. The first invention, drawn to claims 1-38, expresses a relational database management system. This invention would require a search in at least class 707, subclass 3. The second invention, drawn to claims 39-97, expresses creating and displaying multilevel hierarchies, and would require a search in class 715, subclass 853. Since the first invention would not necessarily require a search in class/subclass 715/853, and the second invention would not necessarily require a search in class/subclass 707/3, it is understood that searching for both inventions would present a serious burden upon the examiner. Thus as set forth above, the restriction on the record is considered proper, and has therefore been maintained.

Consequently, the Applicant's election with traverse of Group II, claims 39-97, is acknowledged. The traversal, however, is not found persuasive, as is shown in the previous paragraph. The restriction requirement is still deemed proper and is therefore made FINAL.

***Claim Objections***

Claims 56 and 58 are objected to because of the following informalities: In each of claims 56 and 68, the phrase “visual observe” is grammatically incorrect. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 39-97 are rejected under 35 U.S.C. 102(b) as being anticipated by the “Project Gateway 5” system (hereafter referred to as “Project Gateway”), as is described by the “Project Gateway 5 Repository User Manual” (which is hereafter referred to as the “User Manual”). In general, Project Gateway is a network-based system for building and maintaining project information, such as schedules, deliverables, and task assignments, and for facilitating access to this information (for example, see page 1 of the User Manual). The Project Gateway system is consequently considered a system for resource and project management.

Specifically regarding claims 39, 53, 67, and 82, the Project Gateway system maintains project information, as is described above, and particularly maintains a record of each document created for each project (for example, see pages 3 and 4 of the User Manual, and particularly the content regarding “Project Documents, Issues & Discussions” on page 4). Such documents may

Art Unit: 2173

include, for example, functional specifications, engineering drawings, and templates (see page 147 of the User Manual). Regarding the claimed invention, the Project Gateway system may produce a "Document Tracking View" for presentation to the user. This Document Tracking view is a visual display of all the documents maintained by the Project Gateway system, whereby the documents are hierarchically organized by the project and program with which they are associated (see page 53 of the User Manual). Consequently, this Document Tracking view is considered a "multilevel asset hierarchy," like that of the claimed invention, as it is a hierarchy comprising a plurality of objects, including projects and documents. Each such project is considered a "job," and each such document is considered a "file," like that of the claimed invention. In addition to documents, the Project Gateway system also maintains a record of the assignments performed for each project (for example, see pages 3 and 4 of the User Manual, particularly the content regarding "Project Assignments" on page 4). These assignments may each represent a particular key event (for example, see the "key event" section on page 28 of the User Manual). Regarding the claimed invention, the Project Gateway system may produce various views of the assignments for presentation to the user, including a hierarchical view of assignments, sorted by the projects with which they are associated (see pages 25-27 of the User Manual). Such a hierarchical view is considered a "multilevel project hierarchy," like that of the claimed invention, as it is a hierarchy comprising a plurality of objects, including assignments, i.e. events, and projects. In addition to producing views, the Project Gateway system provides the capability of editing the projects, documents, and assignments (for example, see pages 112, 50, and 29-30 of the User Manual). Moreover, the Project Gateway system may produce a visual display of the projects, which exist in both the asset hierarchy and the project hierarchy (for

Art Unit: 2173

example, see pages 89-90 of the User Manual). The Project Gateway system thus teaches: creating a multilevel asset hierarchy having a plurality of objects including jobs and files; storing the asset hierarchy in a system memory; creating a multilevel project hierarchy having a plurality of objects, including the jobs in the asset hierarchy and events; storing the project hierarchy in the system memory; creating and providing a visual display of the objects within the asset hierarchy and the project hierarchy; editing the objects within the asset hierarchy and the project hierarchy; and creating and providing a visual display of the jobs within both the asset hierarchy and the project hierarchy. Specifically regarding claim 39, it is understood that Project Gateway, being implemented on a computer system, may be implemented as at least one program stored on a compact removable transfer media.

Regarding claims 40-45, 54-59, 69-74, and 85-90, it is understood that the above-described asset and project hierarchies may each be first presented to the user as an general overview, comprising only the top levels of the hierarchies (for example, see pages 25 and 53 of the User Manual). Additionally it is further understood that, like other hierarchical views presented by the Project Gateway system (for example, see page 148), each of the asset and project hierarchies may comprise “twisties” to expand and collapse levels of the hierarchies, so that the user may user may open and focus on a particular level of the hierarchies, and thus browse the hierarchies on a level-by-level basis (again, see page 25, particularly the figure on the page).

As per claims 46-47, 60-61, 75-76, and 91-92, the Project Gateway system provides a search function for searching for particular documents and assignments maintained by the system (see pages 22-24). As described above, the documents and assignments maintained by the

Art Unit: 2173

Project Gateway system may be presented as objects within an asset hierarchy and project hierarchy, respectively. The Project Gateway system, through its search function, is thus considered to allow the user to search the asset and project hierarchies to locate objects which satisfy user-defined criteria.

With respect to claims 48-50, 62-64, 77-79, and 93-95, the Project Gateway system provides functionality for a “favorites list;” the user may mark particular documents of interest, and the system maintains a list of these marked documents, the favorites list, for quick and easy access to the documents (see page 22). It is understood that, in response to selecting one of these documents in the list, the selected document is routed to the user’s computer. Additionally, it is understood that once routed to the user’s computer, the user may edit the document, for example, to update the document (see the “Status” section on page 50 of the User Manual). This favorites list is consequently considered a “shopping cart,” like that of the claimed invention, because it allows the user to collect files, i.e. documents, because the user may perform operations on the documents collected in the shopping cart, particularly to edit the documents, and because the user may route files collected in the shopping cart to another database, particularly the user’s computer.

As per claims 51-52, 65-66, 68, 80-81, 83-84, and 96-97, the Project Gateway system provides the capability of editing projects, documents, and assignments (for example, see pages 112, 50, and 29-30 of the User Manual). As described above, these projects and documents may be presented as objects within an asset hierarchy, and the projects and assignments may be presented to the user as objects within a project hierarchy. It is therefore understood that the user may edit objects within the asset and project hierarchies.

### *Conclusion*

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to consider these references fully when responding to this action. The Pareschi et al. U.S. Patent cited therein teaches creating multiple hierarchies: one presenting document files, and another presenting tasks performed to create the document files. Similarly, the Williams et al. U.S. Patent cited therein teaches creating a hierarchy comprising tasks, and another hierarchy comprising files. The Pajak et al. U.S. Patent teaches browsing a hierarchical structure by viewing an overview of the hierarchical structure and focusing on a particular level of the structure, or browsing on a level-by-level basis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (703) 305-7694. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

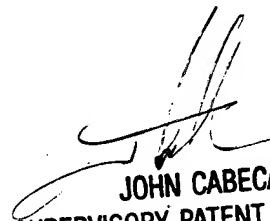
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb



**JOHN CABECA**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100